

01
02
03
04
05 UNITED STATES DISTRICT COURT
06 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

07 UNITED STATES OF AMERICA,)
08 Plaintiff,) Case No. CR01-0259-RSL-JPD
09 v.) SUMMARY REPORT OF U.S.
10 EDWARD ALBERT THAVES,) MAGISTRATE JUDGE AS TO
11 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
12

13 An evidentiary hearing on a petition for violation of supervised release in this case
14 was scheduled before the undersigned Magistrate Judge on June 16, 2006. The United States
15 was represented by Assistant United States Attorney Todd Greenberg, and the defendant by
16 Mr. Gilbert Levy. The proceedings were recorded on cassette tape.

17 The defendant had been charged with Possession/Passing Fictitious Obligations on or
18 about February 15, 2002, and sentenced by the Honorable Robert S. Lasnik to ten (10)
19 months in custody to be followed by five (5) years of supervised release.

20 The conditions of supervised release included the requirements that the defendant
21 comply with all local, state, and federal laws, and with the standard conditions. Special
22 conditions imposed included, but were not limited to, substance-abuse and mental-health
23 treatment programs; search and seizure; take all medications prescribed for bipolar disorder;
24 no new credit without approval by the Probation Officer; maintaining a single checking
25 account; disclosure and inspection of any software and computer equipment owned or
26 operated by defendant; employment approval by probation officer; not obtain or possess any

01 driver's license, social security number, birth certificate, passport, or any other form of
02 identification in any name other than the defendant's true legal name without approval of the
03 probation officer; and financial disclosure.

04 On July 18, 2002, a violation report and warrant request was submitted for
05 defendant's failure to notify the Probation Officer of his change in residence, in violation of
06 the conditions of his supervised release.

07 On September 10, 2002, defendant was arrested by the King County Sheriff's
08 Department on a charge of Assault in the Third Degree, and subsequently convicted by a jury
09 and sentenced to seventeen (17) months in prison in the Washington State Department of
10 Corrections, to be followed by supervision of nine (9) to eighteen (18) months.

11 On October 9, 2003, defendant was released from state prison to the Clerk County
12 Superior Court in Vancouver, Washington, for probation violations of a 1999 conviction of
13 Assault in the Third Degree and Theft in the Third Degree. He was sentenced to thirty (30)
14 days in jail with credit for time served, and released on November 10, 2003.

15 On January 14, 2004, defendant was found to have violated the conditions of his
16 federal supervised release, by failing to notify the Probation Officer of his change in
17 residence, and, also, being convicted of Assault in the Third Degree. His supervised release
18 was revoked, and a sentence of eighteen (18) months in prison to be followed by forty-two
19 (42) months of supervised release was imposed by the Court. Defendant completed this term
20 of imprisonment and was released on February 28, 2005.

21 On July 11, 2005, defendant was found to have violated the terms of supervised
22 release by failing to report to the Probation Office and by using cocaine. Again, his
23 supervised release was revoked and a term of eight (8) months in prison, to be followed by
24 thirty-four (34) months of supervised release was imposed by the Court. Defendant was
25 released from the Federal Bureau of Prisons on January 13, 2006.
26

On January 19, 2006, in a Violation Report and Request for Warrant or Summons, U.S. Probation Officer Felix Calvillo, Jr. asserted the following violation by defendant of the conditions of his supervised release:

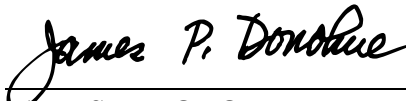
Violation: Failing to report to the U.S. Probation Office within 72 hours of release on January 13, 2006, from the custody of the Federal Bureau of Prisons, in violation of the general condition of his supervised release.

At the evidentiary revocation hearing held on June 16, 2006, defendant was advised of his constitutional rights and admitted the alleged violation.

I therefore recommend that the Court find the defendant to have violated the terms and conditions of his supervised release as to the alleged violation, and that the Court conduct a hearing limited to disposition. A disposition hearing will be set before the Honorable Robert S. Lasnik, on Wednesday, June 28, 2006, at 1:30 p.m.

Pending a final determination by the Court, the defendant has been detained.

DATED this 19th day of June, 2006.


JAMES P. DONOHUE
United States Magistrate Judge

cc:	District Judge:	Honorable Robert S. Lasnik
	AUSA:	Mr. Todd Greenberg
	Defendant's attorney:	Mr. Gilbert Levy
	Probation officer:	Mr. Felix Calvillo, Jr.